

MR. WHITTEN: That is correct. . . .

THE CHAIRMAN: ⁽³⁾ The Chair is prepared to rule.

The gentleman from Minnesota [Mr. Marshall] has made a point of order against the language appearing in that section of the bill on page 191 beginning with the word "*Provided*" in line 17, and continuing through the remainder of that paragraph down to and including the word "county" in line 25, on the ground that it includes legislation on an appropriation bill in violation of the rules of the House.

The Chair has examined the language here in question and is of the opinion that it could be drawn so as to constitute a limitation, but as the language appears now in the bill it does appear to the Chair that it contains legislation. The Chair, of course, has to pass on the question as it is here presented and invites attention to the fact that among other things it includes the words "with the approval." It appears to the Chair that the language quoted does include legislation on an appropriation bill in violation of the rules of the House.

The point of order is sustained.

Parliamentarian's Note: A subsequent amendment to the bill that day, providing, *inter alia*, that "not to exceed 5 percent of the allocation for the agricultural conservation program for any county may be allocated to the Soil Conservation Service" for services of its technicians in carrying out the agricultural conservation program, was held to be

3. Jere Cooper (Tenn.).

a limitation, restricting the availability of funds and therefore in order. See §67.13, *infra*.

§ 40. Commerce

Delegation of Authority of Secretary of Commerce

§ 40.1 Language in an appropriation bill authorizing the Secretary of Commerce to designate an officer of the Department to sign minor routine official papers and documents during the temporary absence of the Secretary, the Under Secretary, and the Assistant Secretary, was conceded and held to be legislation on an appropriation bill.

On Mar. 16, 1945,⁽⁴⁾ during consideration in the Committee of the Whole of a general appropriation bill (H.R. 2603), a point of order was raised against the following provision:

The Clerk read as follows:

TITLE III—DEPARTMENT OF
COMMERCE

OFFICE OF THE SECRETARY

Salaries and expenses: For all necessary expenses of the office of the Secretary of Commerce (hereafter in

4. 91 CONG. REC. 2367, 2368, 79th Cong. 1st Sess.

this title referred to as the Secretary) including personal services in the District of Columbia [and] teletype news service . . . *Provided*, That hereafter the Secretary may designate an officer of the Department to sign minor routine official papers and documents during the temporary absence of the Secretary, the Under Secretary, and the Assistant Secretary of the Department.

MR. [ROBERT F.] JONES [of Ohio]: Mr. Chairman, I make a point of order against the language on page 54, line 15, as follows: "teletype news service (not to exceed \$1,000)" as not authorized by law, and to the language beginning in line 21, same page, starting with the word "*Provided*" and continuing to the bottom of that page and including the first two lines on page 55. It is legislation on an appropriation bill not authorized by law.

MR. [LOUIS C.] RABAUT [of Michigan]: Mr. Chairman, we concede both points of order.

THE CHAIRMAN:⁽⁵⁾ The points of order are sustained.

§ 40.2 Language in an appropriation bill providing that the Secretary of Commerce may delegate his authority to approve payment of travel and other expenses of employees on change of official station was conceded and held to be legislation on an appropriation bill.

On Mar. 16, 1945,⁽⁶⁾ during consideration in the Committee of the

5. Wilbur D. Mills (Ark.).

6. 91 CONG. REC. 2376, 79th Cong. 1st Sess.

Whole of a general appropriation bill (H.R. 2603), a point of order was raised against the following provision:

The Clerk read as follows:

During the fiscal year 1946 the Secretary of Commerce may delegate his authority to subordinate officials of the Coast and Geodetic Survey, and Weather Bureau, and the Civil Aeronautics Administration, to authorize payment of expenses of travel and transportation of household goods of officers and employees on change of official station: *Provided*, That in no case shall such authority be delegated to any official below the level of the heads of regional or field offices.

MR. [ROBERT F.] JONES [of Ohio]: Mr. Chairman, a point of order. On page 75, beginning with line 12, the entire paragraph down to and including line 20, on the ground it is legislation on an appropriation bill, not authorized by law.

MR. [LOUIS C.] RABAUT [of Michigan]: Mr. Chairman, we concede the point of order.

THE CHAIRMAN:⁽⁷⁾ The point of order is sustained.

Entertainment Expenses

§ 40.3 An appropriation under the heading of Office of Administrator of Civil Aeronautics, Department of Commerce, "for entertainment of officials in the field of aviation of other countries when specifically authorized and

7. Wilbur D. Mills (Ark.).

approved by the Administrator,” was conceded and held to be legislation on an appropriation bill.

On Mar. 16, 1945,⁽⁸⁾ during consideration in the Committee of the Whole of a general appropriation bill (H.R. 2603), a point of order was raised against the following provision:

The Clerk read as follows:

OFFICE OF ADMINISTRATOR OF CIVIL
AERONAUTICS

General administration, Office of the Administrator: For necessary expenses of the Office of Administrator of Civil Aeronautics in carrying out the provisions of the Civil Aeronautics Act of 1938, as amended (49 U.S.C. 401), including personal services in the District of Columbia and elsewhere; contract stenographic reporting services; not to exceed \$14,000 for expenses of attendance at meetings of organizations concerned with aeronautics, when specifically authorized by the Administrator; newspapers (not exceeding \$200); not to exceed \$5,000 in fiscal year 1946 for entertainment of officials in the field of aviation of other countries when specifically authorized and approved by the Administrator; fees and mileage of expert and other witnesses; expenses of examination of estimates of appropriations in the field; hire, maintenance, repair, and operation of passenger-carrying automobiles; \$2,680,000.

MR. [ROBERT F.] RICH [of Pennsylvania]: Mr. Chairman, I make a point of order against the language on page

57, line 22: “not to exceed \$5,000 in fiscal year 1946 for entertainment of officials in the field of aviation of other countries when specifically authorized and approved by the Administrator,” on the ground that it is legislation on an appropriation bill.

THE CHAIRMAN:⁽⁹⁾ Does the gentleman from Michigan desire to be heard on the point of order?

MR. [LOUIS C.] RABAUT [of Michigan]: Mr. Chairman, I concede the point of order.

THE CHAIRMAN: The point of order is sustained.

Foreign Trade Statistics, Site of Compilation; Permanent Provision of Law

§ 40.4 Language in an appropriation bill appropriating for current census statistics providing that “after October 1, 1947, all functions necessary to the compilation of foreign trade statistics shall be performed in New York, N.Y.” instead of Washington, D.C., was conceded and held to be legislation on an appropriation bill and not in order.

On May 14, 1947,⁽¹⁰⁾ during consideration in the Committee of the Whole of a general appropriation bill (H.R. 3311), a point of order

9. Wilbur D. Mills (Ark.).

10. 93 CONG. REC. 5303, 80th Cong. 1st Sess.

8. 91 CONG. REC. 2369, 2370, 79th Cong. 1st Sess.

was raised against the following provision:

The Clerk read as follows:

Current census statistics: For expenses necessary for collecting, compiling, and publishing current census statistics provided for by law . . . *Provided*, That on and after October 1, 1947, all functions necessary to the compilation of foreign trade statistics shall be performed in New York, N.Y., and of the foregoing amount \$1,200,000 shall be available exclusively for this purpose.

MR. [J. GLENN] BEALL [of Maryland]: I make a point of order against the language on page 43, line 18, beginning with the word "provided" and going through line 22 on the same page, that it is legislation on an appropriation bill.

MR. [KARL] STEFAN [of Nebraska]: Mr. Chairman, I concede the point of order and I offer an amendment.

THE CHAIRMAN:⁽¹¹⁾ The point of order is conceded. The Chair sustains the point of order.

Business Statistics; Waiver of Classification Act

§ 40.5 A paragraph carrying an appropriation for all expenses of the Bureau of the Census necessary to collect, compile, analyze, and publish a sample census of business was conceded to include legislation and was ruled out in violation of Rule XXI clause 2.

11. Carl T. Curtis (Nebr.).

On Dec. 8, 1944,⁽¹²⁾ during consideration in the Committee of the Whole of a supplemental appropriation bill (H.R. 5587), a point of order was raised against the following provision:

The Clerk read as follows:

Sample census of business: For all expenses of the Bureau of the Census necessary to collect, compile, analyze, and publish a sample census of business, including the employment by the Director, at rates to be fixed by him, of personnel at the seat of government and elsewhere without regard to the Classification Act . . . \$1,200,000, to remain available until June 30, 1946.

MR. [FRANCIS H.] CASE [of South Dakota]: Mr. Chairman, I make a point of order against the paragraph just read on the ground it contains legislation unauthorized by law in an appropriation bill. The paragraph is cited in the report of the committee as one of those paragraphs containing legislation.

THE CHAIRMAN:⁽¹³⁾ Does the gentleman from Missouri [Mr. Cannon] desire to be heard?

MR. [CLARENCE] CANNON of Missouri: Mr. Chairman, we concede the point of order.

THE CHAIRMAN: The gentleman from Missouri concedes the point of order.

Census of Manufactures; Waiver of Classification Act

§ 40.6 An appropriation for all expenses of the Bureau of

12. 90 CONG. REC. 9066, 9067, 78th Cong. 2d Sess.

13. Herbert C. Bonner (N.C.).

the Census necessary to collect, compile, and analyze a census of manufactures for 1944, was conceded and held to contain a provision unauthorized by law and to be legislation.

On Dec. 7, 1944,⁽¹⁴⁾ during consideration in the Committee of the Whole of a supplemental appropriation bill (H.R. 5587), a point of order was raised against the following provision:

The Clerk read as follows:

Census of manufactures for 1944: For all expenses of the Bureau of the Census necessary to collect, compile, analyze, and publish a census of manufactures for 1944, including the employment by the Director, at rates to be fixed by him, of personnel at the seat of government and elsewhere without regard to the Classification Act . . . \$2,400,000, to remain available until June 30, 1946.

MR. [FRANCIS H.] CASE [of South Dakota]: Mr. Chairman, I rise to make a point of order against the paragraph just read on the ground it contains legislation and is not authorized in an appropriation bill. The paragraph is one of those cited in the report as embodying legislation.

THE CHAIRMAN:⁽¹⁵⁾ Does the gentleman from Pennsylvania [Mr. Snyder] desire to be heard?

MR. [J. BUELL] SNYDER: Mr. Chairman, I concede the point of order.

THE CHAIRMAN: The gentleman concedes the point of order and the Chair sustains the point of order.

14. 90 CONG. REC. 8995, 78th Cong. 2d Sess.

15. Herbert C. Bonner (N.C.).

Immediately following this ruling, an appropriation for compiling census reports, "including the objects specified under this head in the Department of Commerce Appropriation Act, and including expenses . . . for sample surveys . . . for the purpose of estimating the size, characteristics and distribution of the nation's population," was held to be legislation and unauthorized by law.⁽¹⁶⁾ The point of order was as follows:

MR. [JOHN] TABER [of New York]: Mr. Chairman, I make the point of order that this is not authorized by law, it is legislation on an appropriation bill, and I make the same statement made before, namely, it is cited in the report.

THE CHAIRMAN: Does the gentleman from Pennsylvania [Mr. Snyder] desire to be heard?

MR. SNYDER: Mr. Chairman, I concede the point of order.

THE CHAIRMAN: The gentleman concedes the point of order, and the Chair sustains the point of order.

Consumer Income

§ 40.7 An appropriation for all expenses of the Bureau of the Census to collect, compile, and analyze statistics with respect to consumer income was conceded and held

16. 90 CONG. REC. 8995, 78th Cong. 2d Sess.

to contain legislation not authorized.

On Dec. 7, 1944,⁽¹⁷⁾ during consideration in the Committee of the Whole of a supplemental appropriation bill (H.R. 5587), a point of order was raised against the following provision:

Consumer income study: For all expenses of the Bureau of the Census necessary to collect, compile, and analyze statistics with respect to the consumer income, and to publish the results thereof, including the employment by the Director, at rates to be fixed by him, of personnel at the seat of government . . . \$3,500,000, to remain available until June 30, 1946.

MR. H. CARL ANDERSEN [of Minnesota]: Mr. Chairman, I make the point of order against the paragraph that it is legislation on an appropriation bill and not authorized by law.

THE CHAIRMAN:⁽¹⁸⁾ Does the gentleman from Pennsylvania wish to be heard on the point of order?

MR. [J. BUELL] SNYDER [of Pennsylvania]: I concede the point of order, Mr. Chairman.

THE CHAIRMAN: The Chair sustains the point of order.

§ 41. Defense and Foreign Relations

Military Activities in Cambodia and Laos

§ 41.1 To an amendment prohibiting the use of funds in a

17. 90 CONG. REC. 8995, 78th Cong. 2d Sess.

18. Herbert C. Bonner (N.C.).

general appropriation bill as well as funds already appropriated by other acts to support United States combat activities in Cambodia or Laos, an amendment making it illegal to participate in or order any such military activities was held to constitute additional legislation and was ruled out on a point of order.

On June 29, 1973,⁽¹⁹⁾ during consideration in the Committee of the Whole of a supplemental appropriation bill (H.R. 9055), a point of order was raised against the following amendment:

MR. [JOHN J.] FLYNT [Jr., of Georgia]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Flynt: Page 57, line 21, strike out all of section 307 and insert a new section 307, as follows:

Sec. 307. None of the funds herein appropriated under this Act or heretofore appropriated under any other act may be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia or in or over Laos by the U.S. forces. . . .

MR. [CHARLES E.] BENNETT [of Florida]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Bennett to the amendment offered by

19. 119 CONG. REC. 22352, 22362, 93d Cong. 1st Sess.